

**Finding of No Significant Impact  
Bureau of Land Management  
Rock Springs Field Office**

**Adobe Town, Salt Wells Creek and Great Divide Basin  
Herd Management Areas  
Wild Horse Gather  
DOI-BLM-WY-D040-2017-0022-EA**

**BACKGROUND**

The Bureau of Land Management (BLM) Rock Springs Field Office (RSFO) conducted wild horse census flights in April of 2017. The results of this census demonstrated that wild horses are exceeding the Appropriate Management Levels (AMLs) in the Adobe Town, Salt Wells Creek and Great Divide Basin Herd Management Areas (HMAs). Section 3 of the Wild and Free-Roaming Horses and Burros Act (WFRHBA) requires that the BLM manage wild horses in a way that promotes a Thriving Natural Ecological Balance (TNEB). AMLs are established to ensure a TNEB can be reached when managing wild horse populations.

Additionally, the BLM has received a written request to remove wild horses from private lands within these HMAs. Section 4 of the WFRHBA requires the removal of wild horses from private lands after receiving a written request from the landowner to do so. Through a series of legal proceedings the BLM RSFO entered into a Consent Decree in April of 2013 [*Rock Springs Grazing Association v. Salazar*, Civil Action No. 11-CV- 263-NDF (D. Wyo.)]. This decree (2013 Consent Decree) requires the periodic removal of wild horses from the “checkerboard” lands in these HMAs, based on the population size and location of wild horses as observed during annual census flights. The results of the 2017 census flights demonstrate a need to remove wild horses from these HMAs to maintain AML and meet the 2013 Consent Decree.

The Proposed Action was developed based on the need to remove wild horses within the HMAs to achieve a TNEB, alleviate deterioration of the rangeland, to respond to requests to remove wild horses located outside the HMAs in areas not designated for their long-term use, and to remove wild horses from private lands at the land owner’s request. The removal of wild horses from private lands within the HMAs will assure compliance with Section 4 of the WFRHBA and it implementing regulation 43 CFR 4720.2-1, and the 2013 Consent Decree. Additionally, the removal of excess wild horses will ensure that the wild horses remaining within the HMAs have adequate forage and water to survive and maintain satisfactory physical condition. Removal of excess wild horses will also help sustain the long-term productivity of the rangeland resources on the public lands that wild horses depend on.

**PLAN CONFORMANCE AND CONSISTENCY**

The Proposed Action is in conformance with the land use plan terms and conditions as required by 43 CFR 1610.5-3(a). Any action in the Rock Springs or Rawlins Field Offices is subject to requirements established by the Green River Resource Management Plan (RMP) (1997) and the Rawlins Resource Management Plan (2008), respectively as amended.



## FINDING OF NO SIGNIFICANT IMPACT DETERMINATION

Based upon the information contained in the attached environmental assessment, *Adobe Town, Salt Wells Creek and Great Divide Basin Herd Management Areas Wild Horse Gather DOI-BLM-WY-D040-2017-0022-EA*, and all other information available to me, it is my determination that: (1) the implementation of the Proposed Action will not have significant environmental impacts beyond those already addressed in the Green River and Rawlins RMPs; (2) the Proposed Action is in conformance with the RMPs; and (3) the Proposed Action does not constitute a major federal action having a significant effect on the human environment. Therefore, an environmental impact statement is not necessary and will not be prepared.

This finding is based on my consideration of the Council on Environmental Quality (CEQ) criteria for significance (40 CFR 1508.27), both with regard to the context and to the intensity of the impacts described in the EA or as articulated in the letters of comment.

### *Context*

The Adobe Town, Salt Wells Creek and Great Divide Basin HMAs encompass 2,427,220 acres of public, State, and private lands in Sweetwater, Carbon and Fremont counties in southwest Wyoming. The AML for the Adobe Town HMA is 610-800 wild horses, established in the 1997 Green River Resource Management Plan and the 2008 Rawlins RMP. The AML for the Salt Wells Creek HMA is 251-365 wild horses, established in the 1997 Green River Resource Management Plan. The AML for the Great Divide Basin HMA is 415-600 wild horses, established in the 1997 Green River Resource Management Plan. Currently, the estimated population before the 2017 foaling season would be approximately 1,123 wild horses in the Adobe Town HMA, approximately 976 wild horses in the Salt Wells HMA and approximately 737 wild horses in the Great Divide Basin HMA. In combination the three HMAs are exceeding the low AMLs by 1,560 wild horses. Wild horses were last removed from the HMAs in October 2014.

When considered in context, the effects of the Proposed Action are not significant because, as explained in the EA, the effects of the removal are limited to the these three HMAs and most expected impacts would be avoided and/or minimized through the Standard Operating Procedures for gathers (Appendix II of the EA) and the design features of the Proposed Action (See Sections 2.2 and Sections 3.1 through 3.8 of the EA).

### *Intensity*

I have considered the potential intensity of the impacts anticipated from the Proposed Action, based on the ten intensity factors set forth in 40 CFR 1508.27(b). My conclusions with respect to each factor are summarized briefly below:

#### *1. Impacts that may be both beneficial and adverse.*

The proposed gather is consistent with the 1997 Green River RMP and 2008 Rawlins RMP and would maintain a TNEB and multiple use relationship consistent with other resource needs as required under the WFRHBA.



As described in the EA, potential adverse impacts from the implementation of the Proposed Action include: handling stress and injury to wild horses from the gather operations and/or fertility control inoculation; temporary displacement of wildlife near trap sites; trampling of some vegetation and soil compaction at the trap sites; and temporary closure of habitat areas near trap sites or temporary holding facilities. However, none of these impacts would be significant at the local scale or cumulatively because of the relative scale and short duration of the project, design features of the Proposed Action, and standard operating procedures outlined in Appendices II and III of the EA.

Potential beneficial impacts from the implementation of the Proposed Action include improvements in the quality and quantity of forage in areas where excess or stray wild horses are removed. Since wildlife, livestock, and wild horses have similar dietary overlap (grasses and forbs) the removal of excess wild horses would reduce the direct competition of forage and prevent over-utilization of forage and further reduction in vegetative ground cover. The quantity of forage throughout the HMA could be increased. Vegetation composition, cover, and vigor are anticipated to improve or be maintained near water sources where wild horses tend to congregate. Vegetative diversity and health should improve in areas where excess wild horses are removed.

The Proposed Action is anticipated to have no effect on the health and viability of the wild horses and herd populations in the HMAs. As explained in Section 3.2 of the EA, BLM has determined that the number of wild horses remaining would be sufficient to maintain the genetic diversity and viability of the herd.

Wild horse populations grow at a rate of about 20% per year and historically, when wild horses have been gathered from this area, populations have rebounded quickly. This was demonstrated during the census counts that occurred after the 2014 removal of all wild horses within Checkerboard lands within these HMAs.

*2. The degree to which the proposed action affects public health and safety.*

The Standard Operating Procedures (Appendices II and III of the EA) would be used to conduct the gather and are designed to protect human health and safety, as well as the health and safety of the wild horses. The Proposed Action would have no effect on public health and safety.

*3. Unique characteristics of the geographic area such as proximity of historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.*

As described in Section 3.5 of the EA, the Proposed Action is not expected to affect historic or cultural resources or properties of concern to Native Americans. Temporary trap sites will be selected with the approval of a cultural resource specialist and wildlife biologist for appropriate locations away from any sensitive resources. Where possible the BLM will use locations where trap sites have previously been cleared and utilized.



Table 5 of the EA demonstrates that there are no anticipated impacts to ecologically critical areas or wetlands. No park lands, prime farmlands or wild and scenic rivers are present in the area of the Proposed Action.

Under the Proposed Action maintenance of appropriate numbers of wild horses is expected to help maintain resource objectives for improved riparian, wetland, aquatic and terrestrial habitat. Under the Proposed Action, the suitability of the of the seven Wilderness Study Areas within the project area would be unimpaired as no trap sites would be placed within the WSAs.

*4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.*

The effects of the implementation of the Proposed Action are presented in the EA document. Department of the Interior NEPA regulations define “controversial” as referring to circumstances where a substantial dispute exists as to the environmental consequences of the Proposed Action and does not refer to the existence of the opposition to a proposed action, the effect of which is undisputed. See 43 CFR 46.30. See also *Missouri Coalition for the Environment*, 172 IBLA 226, 249 n.23 (2007) (“Whether a proposed action is ‘likely to be highly controversial’ under 40 CFR 1508.27(b)(4) is not a question about the extent of public opposition, but, rather, about whether a substantial dispute exists as to its size, nature, or effect.”). The BLM has analyzed and conducted numerous wild horse gathers and removals in the HMAs since enactment of the WFRHBA. The effects of such gathers are well understood.

BLM conducted a similar removal in 2013 and the analysis of the EA predicts that effects will be similar to past operations, and that wild horse populations would rebound and continue to remain at genetically viable self-sustaining populations. The BLM has no scientific evidence supporting claims that the project will have controversial effects within the meaning of this factor.

*5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.*

Possible effects on the human environment are not highly uncertain and do not involve unique or unknown risks. The analysis for the Proposed Action does not show that this action would involve any unique or unknown risks. The BLM RSFO and RFO have also reviewed the National Academy of Science (NAS) report, “Using Science to Improve the BLM Wild Horse and Burro Program: A Way Forward” and have determined that its recommendations do not suggest that the gather and removal of excess wild horses proposed under the Proposed Action presents any unique or unknown risks, highly controversial effects, or would otherwise meet any other intensity factor of 40 CFR 1508.27(b).

The BLM has been conducting wild horse gathers since the mid-1970s. During this time methods and procedures have been identified and refined to minimize stress and effects to wild horses during gather implementation. The Standard Operating Procedures in Appendix II of the EA would be implemented to ensure a safe and humane gather occurs and would minimize potential stress and injury to wild horses. The BLM has analyzed and conducted numerous wild horse gather and removals in the HMAs since enactment of the WFRHBA. The effects of such gathers are well understood.



*6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.*

BLM has previously gathered wild horses in these three HMAs. It is possible that BLM may conduct similar gathers in the future. Nevertheless, BLM's analysis and conclusions in the FONSI and EA are limited to the Proposed Action at issue here. Thus, this action does not establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration. Future actions would be subject to separate evaluation through the appropriate level of NEPA analysis.

*7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.*

Cumulative effects were analyzed in Section 3.9 of the EA. In this analysis no other past, present or reasonably foreseeable future projects were identified that would have individually insignificant, but cumulatively significant effects when considered in combination with the Proposed Action. The impacts identified do not exceed the level of impacts outlined in the Rawlins and Green River RMPs, as amended.

*8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources.*

Potential impacts to cultural and historic resources are described in Section 3.5 of the EA. Direct or indirect impacts to cultural and historic resources are not anticipated to occur from implementation of the Proposed Action. Surface disturbing activities at the trap locations would be minimal and no historic properties would be adversely affected due to avoidance and identification of conflicts. BLM archeologists would review all proposed temporary holding facility locations to determine if these have had a Class III intensive cultural resources field inventory, and/or if a new inventory is required. If cultural resources are encountered at proposed gather sites or temporary holding facilities, those locations would not be utilized unless they could be modified to avoid or mitigate adverse impacts to significant cultural resource site(s). Where possible the BLM will use locations where trap sites have previously been cleared and utilized.

*9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.*

Threatened and Endangered Species are discussed in Section 3.3 of the EA. The Proposed Action is not likely to adversely affect any listed species. Additionally, trap sites will be constructed and operated under the recommendations of a wildlife biologist to avoid adverse impacts to wildlife, including known sage-grouse leks, nesting and winter concentration areas, active raptor nests, White-tail Prairie Dog towns, Pygmy Rabbit habitat, Mountain Plover nesting habitat and big game crucial winter ranges and parturition areas.

10. *Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.*

The removal of wild horses from these three HMAs does not threaten to violate any federal, state, local, or tribal law or requirement imposed for the protection of the environment. Section 1.4 of the EA discusses applicable statutes, regulations and plans that are associated with the Proposed Action.

This removal is in compliance with the WFRHBA, as amended by the Federal Land Policy and Management Act of 1976 (FLPMA) and the Public Rangelands Improvement Act of 1978; and the two governing land use plans: the 1997 Green River and 2008 Rawlins Resource Management Plans (RMPs), respectively; as amended.

The Proposed Action is in compliance with Section 3 of the WFRHBA, 16 U.S.C. §1333 and its implementing regulations at 43 CFR 4720.1. Through this gather, the BLM is removing excess wild horses from the public lands under Section 3 of the WFRHBA, 16 U.S.C. §1333.

The Proposed Action would also remove excess wild horses from private lands and is in compliance with Section 4 of the WFRHBA, 16 U.S.C. §1334, its implementing regulations at 43 CFR 4720.2, and the 2013 Consent Decree.

The FLPMA and its land use planning requirements apply only to the BLM's management of the public lands, not private lands, 43 U.S.C. §1712. As to public lands, the policies of FLPMA are to be construed as supplemental to and not in derogation of the purposes for which the lands are administered under other provisions of law. 43 U.S.C. §1701. The management direction set forth in the Green River and Rawlins RMPs, including that related to appropriate management levels (AMLs), do not apply to private lands.

Overall, the gather of wild horses from these HMAs does not threaten to violate any known federal, state, local, or tribal law or requirement imposed for the protection of the environment. Additionally, the project is in compliance with both the Green River RMP Record of Decision approved on August 8, 1997 and the Rawlins RMP Record of Decision approved on December 24, 2008, management objectives for wild horses.

Authorized Officials:



Kimberlee D. Foster  
Rock Springs Field Manager

Date: AUG 29 2017



Dennis J. Carpenter  
Rawlins Field Manager

Date: AUG 29 2017